

Application No.: 09/715,850
Filing Date: November 17, 2000

REMARKS

As an initial matter, Applicant would like to thank Supervisor Smith for the courtesy extended to Applicant's representative during the interview.

Applicant notes that the present application has been allowed, and the deadline for paying the issue fee is July 9, 2008.

As discussed in the interview, a misfiling of the Inventor Declaration for the 09/715,850 application has occurred. This misfiling occurred without deceptive intent, and is the result of an unintentional error in the Serial Number in the Inventor Declaration that corresponds to the '850 patent application. Because of this error, the wrong Declaration (i.e., the Declaration intended for Application No. 09/715,929) was associated with the '850 application, while the Declaration intended for the '850 application was associated with the '929 application.

The Declaration which should have been filed in the '850 application (a copy of which is submitted herewith), correctly identifies the title ("Methods and Systems for Distributing Information within a Dynamically Defined Community") that appears on the first page of the specification filed for the '850 application (a copy of which is attached), includes the same attorney docket number (AMAZON.053A) that appears on the first page of the specification of the '850 application, correctly names the inventors (Jeffery Bezos, Warren Adams, Kenneth L. Dinovo, Ryan J. Snodgrass, Brian Robertson, Jennifer A. Jacobi) of the claims submitted in the '850 application, and includes the correct filing date (November 17, 2000). However, the last three digits of the serial number in the Declaration are incorrect, and inadvertently includes the last three digits of the '929 application. Hence, the Declaration intended for the present application ("Methods and Systems for Distributing Information within a Dynamically Defined Community") was misfiled and placed in the '929 application file (where the specification includes the title "Methods and Systems for Processing Distributed Feedback"). Similarly, the Inventor Declaration intended for the '929 application was misfiled and placed in the present application, even though the application title in the Declaration ("Methods and Systems for Processing Distributed Feedback") and the attorney docket (AMAZON.054A) differ from that on the specification filed in the present application.

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In other words, the filing of the Inventor Declarations for the '850 and '929 applications was crisscrossed.

MPEP 602.03 allows the Examiner to waive such minor errors in the Declaration. The relevant text is as follows.

"When an application is otherwise ready for issue, an examiner with full signatory authority may waive the following minor deficiencies:

Minor deficiencies in the body of the oath or Declaration where the deficiencies are self-evidently cured in the rest of the oath or Declaration. In re Searles, 422 F.2d 431, 437, 164 USPQ 623, 628 (CCPA 1970).

If such a deficiency is waived, the examiner with full signatory authority should write in the margin of the Declaration or oath a notation why the deficiency was waived, indicate that the application is ready for issue, and provide his or her initials and the date."

Because the attached Declaration adequately identifies the present application (by title, attorney docket number, filing date, inventors, see MPEP 602 Section VI), Applicant submits that the minor error in the serial number is cured by the remainder of the Declaration.

Therefore, Applicant requests that the Examiner correct the last 3 digits of the serial number in the attached Declaration (which had been originally been filed in the '929 application), and place it in the file of the present case. The last 3 digits of the serial number in the Declaration should read "850" instead of "929".

Applicant intends to make a similar request in the '929 application.

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The Examiner is cordially invited to call the undersigned to resolve any outstanding issues that this communication does not address.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/19/08

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